

manner, rotation of the forefoot portion relative to the rearfoot portion about the longitudinal axis.

Sub 22
An article of footwear including a sole with a forefoot area and a rearfoot area and a torsion system, the torsion system comprising:

a sole plate rigid in a horizontal plane and including a longitudinal axis, the sole plate comprising:

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a forefoot portion of the sole plate spanning substantially the entire forefoot area of the sole;

a rearfoot portion of the sole plate spanning substantially the entire rearfoot area of the sole; and

an intermediate portion of the sole plate coupling the forefoot portion and the rearfoot portion and constructed of a material and configured to allow, in a pre-selected manner, rotation of the forefoot portion relative to the rearfoot portion about the longitudinal axis.

REMARKS

Applicant appreciates the Examiner's courtesy in conducting a telephonic interview with Applicant's undersigned representative on February 6, 2001.

Applicant hereby amends claims 1 and 21. No new matter has been entered thereby. Claims 1 and 21 are being amended to more clearly define the subject matter of Applicant's invention. The claim amendments are fully supported at, for example, FIGS. 1 and 3. Claims 1-25 are currently pending.

1. Claims 1, 9-10, and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,550,597 to Coplans ("Coplans"). Applicant respectfully traverses this rejection as applied to the claims, as amended.

Coplans describes a torsion element 15 having "a front lifting section 16, a rear lifting section 17, and an intermediate twisted section 18." Col. 3, lines 37-40 of Coplans. See also col. 3, lines 46-52, and lines 63-64. As shown in FIGS. 5, 7, 8, and 15, the front lifting section 16 is relatively small and *covers less than half of the forefoot area of the sole.*

In contrast to Coplans, Applicant's claimed invention, as claimed in amended independent claim 1, comprises a forefoot portion *spanning substantially the entire forefoot area of the sole*, an intermediate portion, and a rearfoot portion spanning substantially the entire rearfoot area of the sole. Coplans fails to teach the claimed torsion system having a forefoot portion *spanning substantially the entire forefoot area of the sole*. As such, Applicant respectfully submits that Coplans does not anticipate Applicant's invention as claimed in claim 1 and claims 9-10 and 15, which depend directly or indirectly from independent claim 1.

Reconsideration and withdrawal of the rejection of claims 1, 9-10, and 15 as being anticipated by Coplans under 35 U.S.C. § 102(b) are respectfully requested.

2. Claims 1, 5-11, 15-17, 19-21, and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,922,631 to Anderie ("Anderie").

Anderie shows a shoe bottom for sports shoes that includes a stiffening element 109. The stiffening element 109 includes "forefoot" and "rearfoot" portions (anchoring inserts) 111, 112 and 119, 118. See FIGS. 4 and 6 and col. 5, lines 9-52 of Anderie. As shown in FIGS. 1, 9, and 11, the forefoot and rearfoot portions 111, 112 and 119, 118 are relatively small and do not fully extend into the forefoot and rearfoot areas of the sole, respectfully.

In contrast to Anderie, Applicant's invention relates to a torsion system or sole plate comprising a forefoot portion *spanning substantially the entire forefoot area of the sole*, a rearfoot portion *spanning substantially the entire rearfoot area of the sole*, and an intermediate portion as claimed in amended independent claims 1 and 21. Claims 5-11, 15-17, 19-20, and 24 depend from claims 1 and 21, respectively.

Applicant respectfully submits that Anderie fails to disclose the claimed torsion system or sole plate with forefoot and rearfoot portions that span *substantially the entire forefoot area and the entire rearfoot area of the sole*. As such, Anderie does not anticipate Applicant's invention as claimed in independent claims 1 and 21 and claims 5-11, 15-17, 19-20, and 24, which depend directly or indirectly therefrom.

Reconsideration and withdrawal of the rejection of claims 1, 5-11, 15-17, 19-21, and 24 as being anticipated by Anderie under 35 U.S.C. § 102(b) are respectfully requested.

3. Claims 22-23 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderie in view of U.S. Patent No. 5,446,977 to Nagano et al. ("Nagano").

Briefly, Nagano discloses a cycling shoe having a removable portion. The cycling shoe includes a peripheral portion 2 and a sole 3. The sole includes a bottom sole 4, a middle sole 6 for attaching a cleat 5, and an insole 7. See col. 3, line 63 to col. 4, line 14 of Nagano. Nagano teaches a shoe having a plate member for attaching a cleat and a removable cover member for covering a cleat-attaching area of the plate member. Nagano does not teach or suggest a sole plate with the claimed functionality, or even the desirability of such structure.

Applicant respectfully submits that this combination of references fails to teach or suggest all the claim limitations, insofar as Nagano fails to cure the deficiencies of Anderie with respect to amended independent claim 21, from which claims 22-23 and 25 depend. Specifically, neither Anderie nor Nagano, alone or in combination, teach or suggest a sole plate with forefoot and rearfoot portions that span substantially a wearer's entire forefoot and rearfoot areas.

Accordingly, reconsideration and withdrawal of the rejection of claims 22-23 and 25 under 35 U.S.C. § 103(a) based on Anderie in view of Nagano are respectfully requested.

4. Claims 2-4, 11-14, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over any of the references applied to claims 1 and 9 above.

For the reasons stated above, Applicant respectfully submits that claims 2-4, 11-14, and 18 are patentable, because none of the references discussed above teach or suggest all of the claim limitations of independent claim 1, from which claims 2-4, 11-14, and 18 depend. Specifically, none of the references, alone or in combination, teach or suggest a torsion element with a *forefoot portion spanning substantially the entire forefoot area of the sole*.

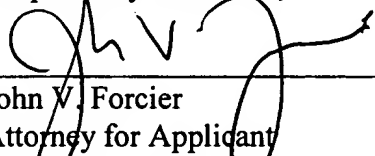
Reconsideration and withdrawal of the rejection of claims 2-4, 11-14, and 18 under 35 U.S.C. § 103(a) based on any of the references applied to claims 1 and 9 above are respectfully requested.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration, withdrawal of all grounds of rejection, and allowance of claims 1-25 in due course. The Examiner is invited to contact Applicant's undersigned representative by telephone at the number listed below to discuss any outstanding issues.

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Respectfully submitted,



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MARKED UP VERSION OF CLAIM SHOWING AMENDMENTS

1. (Twice amended) A torsion system for an article of footwear including a sole with a forefoot area and a rearfoot area, the torsion system including a longitudinal axis and comprising:

a forefoot portion of the torsion system spanning substantially the [an] entire forefoot area of the sole;

a rearfoot portion of the torsion system spanning substantially the [an] entire rearfoot area of the sole; and

an intermediate portion of the torsion system coupling the forefoot portion and the rearfoot portion, and constructed of a material and configured to allow, in a pre-selected manner, rotation of the forefoot portion relative to the rearfoot portion about the longitudinal axis.

21. (Twice amended) An article of footwear including a sole with a forefoot area and a rearfoot area and a torsion system, the torsion system comprising:

a sole plate rigid in a horizontal plane and including a longitudinal axis, the sole plate comprising:

a forefoot portion of the sole plate spanning substantially the [an] entire forefoot area of the sole;

a rearfoot portion of the sole plate spanning substantially the [an] entire rearfoot area of the sole; and

an intermediate portion of the sole plate coupling the forefoot portion and the rearfoot portion and constructed of a material and configured to allow, in a pre-selected manner, rotation of the forefoot portion relative to the rearfoot portion about the longitudinal axis.